



# The SENATE

Weekly

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## “Not a cent less”

**Senators have vowed to reject the Division of Revenue (Amendment) Bill, 2024, that seeks to reduce county equitable share in this financial year by Sh20 billion. They say the Sh400.1 billion approved by the House earlier must be allocated to counties not an inch more or less because it was arrived at scientifically.**



*Majority Leader Aaron Cheruiyot*



*Senator Eddy Oketch*



*Senator Moses Kajwang*



*Senator Samson Cherarkey*

Senators have vowed to reject the Division of Revenue (Amendment) Bill, 2024 as they declared that they will never preside over a session where allocation of resources meant for devolution is reduced for reasons that have nothing to do with counties.

The Bill, which originated from the National Assembly, seeks to reduce the allocation due to counties in equitable share by Sh20 billion in this financial year due to the austerity measures instituted by the National Government after the rejection of the Finance Bill, 2024.

Besides the reduction, the Bill has a proposal that suggests that whenever there is revenue shortfalls, both the national and county governments will bear the shortfall.

The lawmaker rejected the proposal saying the national Government should at all times bear the burden of the shortfall.

The Senate had initially proposed an allocation of Sh415 billion which was reduced to Sh400.1 billion after the mediation that included members of the National Assembly and Senate.

The Bill proposes to reduce the amount to Sh380 billion for counties in the 2024/25 financial year. The figure is

lower than the Sh384 billion counties received in the 2023/24 financial year.

The lawmakers cited the Senate's constitutional mandate under Article 96, vowing they will never accede to the proposal to reduce the allocation to counties to Sh380 billion when the prior year was Sh384 billion and when the original proposal was Sh415.9 billion.

Even though the Committee on Finance and Budget had yet to table its report on the consideration of the Bill, Majority Whip Boni Khalwale revealed that the Committee had rejected the reduction.

“When you read our report, you will find that it is very explicit. We have rejected the proposal by the National Assembly that we entertain the reduction. We are really upbeat,” he told the House, warning the reduction will undermine the policy of the President and Government on critical areas.

“The National Assembly was quick to accept the proposal [for reduction] from the National Treasury, not realising that the key things that the President is carrying almost like his flagship issues will be affected if county governments do not get the Sh400.1 billion. Let the National Assembly know that some of the poli-

cies of the President and Government are domiciled in the counties.”

The Majority Whip revealed that Sh39.5 billion non-discretionary expenditure at the heart of the housing flagship project of the President will be at risk as a result of the reduction. The county aggregated industrial parks and the voluntary community health promoters will also collapse.

“What is even more scaring is the Collective Bargaining Agreement (CBA) that was signed by the Ministry of Health with the doctors on behalf of county governments. A whopping Sh5.8 billion in that CBA is supposed to be spent by county governments in paying salaries for those doctors.”

The Bill was moved by Majority Leader Aaron Cheruiyot. Seconding the Bill, Senator Eddy Oketch, also a member of the Committee on Finance and Budget, argued that despite recognising that the country is in hard financial times that have necessitated the conversation around fiscal consolidation, the equitable share to counties should remain as it was, Sh400.1 billion.

Senator Moses Kajwang’ opposed the amendment to the law insisting that counties should retain the Sh400.1 bil-

lion.

“We may not like the people who have been elected to run our counties, their style, their ethics and integrity, but we must love the people who are in those counties. When we allocate this money, it is not for the governors, their cheerleaders and the County Executive Committee Members (CECMs) and all those other people who make life a living hell in county governments. It is supposed to be for the people. The Senate must stand up to say that when money was being shared between the national government and its wasteful habits, we stood up to send more money to county governments so that water and health could be provided, roads could be built, houses could be provided and markets could be built.”

Senator Samson Cherarkey also opposed the amendment.

“While we appreciate that counties still struggle, cannot account for money and we do not see developments or their functionality, the best thing that ever happened to this country is devolution. I object to the reduction of money going to counties. I agree that we retain the Sh400.1 billion to go to counties,” said the Senator during the debate.



# House to debate Motion seeking audit of bursaries



*Senator Karungo Thangwa*

**S**enator Karungo Thang'wa wants the Ministry of Education to carry out an audit of all the funds allocated to bursaries by both the national Government and county governments.

The Senator has given a notice for the House to debate a Motion seeking the

consolidation of bursary funds for equitable access to education in Kenya. The lawmaker wants the State to consolidate the funds distributed by various government entities and agencies with the aim of directing the funds directly to schools as supplementary capitation to facilitate

the achievement of free secondary education.

He argues that many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities.

"Article 53 of the Constitution provides that every child in Kenya is entitled to free and compulsory basic education. The Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions," Senator Thangwa says in the motion.

Noting that over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NG-CDF), National Government Affirmative Action Fund, (NGAF), the Ministry of Education, and county governments through various county bursary funds, the Senator expressed concern that despite the efforts, school fees remain unaffordable

for many parents, and the allocation of bursaries has been plagued by nepotism, favouritism, and political manipulation, lack of transparency and accountability.

Public learning institutions are primarily funded by the Government through the Ministry of Education. In the 2024/25 financial year, approximately Sh656 billion was allocated to the education sector. Senator observes that it makes it difficult to ascertain the specific funds granted to each student.

"The lack of transparency in the disbursement of bursaries from various agencies has made it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students," he says.

He wants the Ministry of Education to calculate the cost of education per learner and make the information public for primary, secondary and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

# House completes debate on Disaster Bill

**T**he House has completed debate on the National Disaster Management Bill, 2023, even as members raised concern about the speed at which the Government responds, either nationally or at the county level, to disasters.

The lawmakers observed that the faster the action is taken, the better and the sooner it will help the people that are affected.

"Sometimes there is slowness and the slow pace we take leaves people devastated and vulnerable because we have taken a long to respond," said Senator Julius Murgor in his contribution during the debate.

The Bill, which originated from the National Assembly, seeks to provide a legal framework for the coordination of disaster risk management activities at both levels of Government.

The Bill is approaching disaster risk management in a manner that will respond effectively in a timely manner to any disaster and to prevent the adverse effects of disaster recovery as far as possible and the livelihood of the communities that are affected by these disasters.

Senator Boni Khalwale raised questions on the proposal to create the National Disaster Management Agency, saying roles ascribed to it can well be handled by the parent ministry.

"I have gone through the Bill and it involves creating boards. All boards come



*Senator Boni Khalwale*

with expenses. They have put together a proposal for their chairpersons, director generals, and board members, who will all be deserving of payment. This is a responsibility that, in my view, can be taken by the Ministry, the departments, and the agencies responsible for disaster management," he said while seconding the Bill

He proposed that the law should streamline the running of the agencies and departments responsible for disaster management as this is not something that will happen on a day-to-day, week-to-week, or month-to-week basis.

"Disaster management preparedness can be in the Ministry but not in Authority," he said.

Senator Eddy Oketch proposed a Ministry of Special Programmes should



*Senator Gloria Orwoba and Senator Betty Montet*

be created. "That Ministry should classify all departmental agencies that can deal with specific clusters of disaster that we are experiencing and devise prompt and most modern ways of engaging with those that happen within our borders to the extent that we can have a cutthroat strategy, operationally, to respond to disasters."

Senator Gloria Orwoba challenged the sponsor of the Bill to think about the big constituency of women and girls who end up being victims of many of the natural disasters that have rocked the country.

"The proposers of this Bill should not limit thinking to fires, floods and natural calamities such as climate change but to also, think of the disasters that are pushed by human interaction and creat-

ed by human beings which are here with us," she said.

Voting on the Bill was deferred.

Moving the motion, Majority leader Aaron Cheruiyot disagreed with the proposal to create an entity without wounding up certain entities that do similar roles.

"The overall idea and thinking of a Senate for so many years on disaster response has been lack of a proper co-ordination effort. We have been quite clear as the Senate that when creating an entity such as this, you need an institution that will bring together all the players and stakeholders. This is to have a sort of a national command centre that will have representatives from different stakeholders like the fire department and divers."



# Speaker Kingi roots for local resources for intra Africa trade



Speaker Amason Kingi and Senator Danson Mungatana follow proceedings during the Second Annual Conference of Speakers of African National and Regional Parliaments in Midrand, South Africa. On the right, is Mr Ahmed Bebel, the Deputy Chief of Staff in the Senate Speaker's Office.

Speaker Amason Kingi led the Kenyan Parliamentary delegation to the 2nd Annual Conference of Speakers of African National and Regional Parliaments held last week in Midrand, Johannesburg, South Africa.

The Pan African Parliament, a premier caucus for legislatures in the continent, plays the pivotal role of promoting the ratification, domestication and implementation of legal and policy instruments relating to the African Union and its shared values for the benefit of citizens of the continent.

The theme of this year's conference

was: "Educate an African fit for the 21st Century: Building resilient education systems for increased access to inclusive, lifelong, quality and relevant learning in Africa".

The conference also had breakaway sessions during which delegates discussed other emerging issues in the continent, including efforts to strategically position Africa as a destination for investment.

Members of Parliament who accompanied the Speaker were Senator Danson Mungatana, Senator Margaret Kamar, Hon Esther Passaris, Hon Majimbo Ka-



Speaker Amason Kingi poses for a group picture with a section of the delegates at the Second Annual Conference of Speakers of African National and Regional Parliaments in Midrand, South Africa.

lasinga and Hon Rahab Mukami. Deputy Clerk of the Senate, Mr Mohamed Ali, was also present.

Speaking during the session on the African Continental Free Trade Area (ACFTA), Speaker Kingi described ACFTA as a gamechanger in Africa's economic progress and called on African states to commit more resources to make it sustainable.

The Speaker regretted the fact that the facility, which provides the platform for trade between African States, was mainly funded from sources outside Africa. "I call upon African states to commit

themselves financially into making the ACFTA work," Speaker Kingi observed.

Senator Mungatana challenged the ACFTA to collaborate and partner with existing regional economic blocks to create the synergy required to propel trade in Africa.

The Pan African Parliament President Chief Fortune Charumbira said that Africa was ready for the new era of trade.

Dr Wamkele Mene, Chief Executive Officer of the ACFTA, said there was a guided trade initiative that was piloting the ACFTA arrangement.

## House alters sitting calendar



Speaker Amason Kingi makes his way to the Chamber on the day the House on September 17, 2024, on the day the House returned from recess.

Speaker Amason Kingi has directed the Majority Leader and the Minority Leader to do all that is necessary to fast track the business before the House.

Change the caption: Speaker Amason Kingi leads the procession to the Chamber on September 17, 2024, on the day the House returned from the long recess.

The Speaker also implored upon House Committees to expedite the consideration of business pending before them and table reports pursuant to the Standing Orders.

In a communication welcoming Members from recess, the sittings in the final stage of the third session of the Calendar finds the Senate with an already full agenda as he assured the House that his office is to assist them in discharging their constitutional responsibilities. "I will continue to support each Senator individually and in the Committees that

you serve," he said.

He informed the House that at the meeting of the Senate Business Committee (SBC) held on September 17, 2024, the Committee deliberated on the modalities for varying the dates of the Senate Mashinani from the initial date in September to the month of October, 2024.

The Senate has voted to alter its calendar for the final part of the third session of the 13th parliament.

In accordance with the Calendar of the Senate, the final session would have seen the Senate transact business until October 17, 2024, with a two-week break between October 18, and November 4, 2024.

It also approved the alteration of the Senate Mashinani dates to October 28 to November 1, 2024.

The House, which returned from the long recess on September 17, will continue with regular sittings until Thurs-

day, October 31, 2024 and thereafter take a short break from November 1, 2024.

It will then resume regular sittings on Tuesday, November 12, 2024.

The alteration of the calendar was necessitated by the heavy legislative pending before the House.

There are 60 Bills pending conclusion in the Senate, of which 48 are at the Second Reading stage, while 12 are at the Committee of the Whole stage. A total of 22 Motions are pending, 21 Petitions are due for reporting by the respective committees and 387 Statements are pending before our various standing committees.

The decision to alter the calendars was made by the Senate Business Committee (SBC), a top organ of the House that schedules House business.

Senate Mashinani was scheduled to take place between September 23 to September 27, 2024.



# Bill compels County Assemblies to enact Finance Bills by end of June every year



Speaker Amason Kingi (right) shares a light moment with Majority Whip Boni Khalwale watched on by Majority Leader Aaron Cheruiyot, who is the sponsor of the Public Finance Management (Amendment) Bill, 2024.

The County Executive Committee Members (CECMs) will be required to submit County Finance Bills to their respective County Assemblies for approval by the end of April of each year, according to a Bill before the House.

The Public Finance Management (Amendment) Bill, 2024, seeks to ensure that County Assemblies pass the Bills by the end of June every year.

The Finance Act is a legal instrument

that details revenue raising measures for the government.

The Bill is an effort to seal the loopholes that has seen the county governments miss out on revenues as the deadline is meant to allow counties to collect levies and fees at the new rates captured in their finance Acts.

The Bill is sponsored by the majority Leader Aaron Cheruiyot and was introduced in the House on Tuesday, September 17, 2024.

Unlike at the national level, the County Assemblies do not have a deadline on when to enact the Finance Bills, with some taking as long as six months.

Section 129 (2) (a) of the PFM Act which excludes finance Bills as some of the documents to be submitted to the County Assemblies by April 30 to support the budget making process.

The provision requires the CECMs to submit to the county assembly the budget estimates, supporting documents, and any other Bills required to implement the budget, except the Finance Bill.

Senator Cheruiyot says the amendment aligns with the stipulations of section 129(1)(b) of the Public Finance Management Act, which outlines the responsibilities of the CECMs regarding the submission of budget estimates and legislative requirements for the implementation of the county government budget.

“This legislation addresses the current legal ambiguity where, on one hand, the County Executive Committee member for finance is expected to submit budget estimates along with necessary draft bills to the County Executive Committee, including the Finance Bill, while on the other, they are instructed to submit all required bills to implement the budget—excluding the Finance Bill—to the

County Assembly by April 30,” he explains.

He adds that the discrepancy has led to delays and inefficiencies in county financial management, with some counties failing to meet the critical timeline for passing the County Finance Bill as outlined in section 133 of the Public Finance Management Act.

The Bill proposes that after the submission, the relevant committee of the County Assembly shall introduce the Bill in the County Assembly, which shall consider and pass it, with or without amendments, in time for it to be presented for assent by June 30 each year.

Senator Cheruiyot proposes that recommendations made by the relevant committee of the County Assembly or resolution of the County Assembly on revenue matters will ensure the total amount of revenue raised is consistent with the approved fiscal framework and takes into account the principles of equity, certainty and ease of collection.

He also proposes that such recommendations will consider the impact of the proposed changes on the composition of the tax revenue with reference to direct and indirect taxes, consider domestic, regional and international tax trends and the impact on development, investment, employment and economic growth.

## Tree planting week mandatory in proposed law

A national tree planting week will be mandatory as part of effort to increase the nation tree cover and promote afforestation and reforestation in arid and semi-arid areas.

A Bill before the House makes it obligatory for the two levels of government to ensure the week will be observed annually.

The Environment Laws (Amendment) Bill, 2024, is proposing that the national tree planting week should be observed between March 15 and March 21 of every year.

The Bill, which is sponsored by Senator Abdul Haji, seeks to amend the Forest Conservation and Management Act to promote afforestation and reforestation of all -forests and to promote tree-planting in all counties.

The proposal allocates more roles to the Kenya Forest Service (KFS) and the County Governments.

Besides its current roles, KFS will also be required to promote activities that support afforestation and reforestation in arid and semi-arid areas in the country



Senator Abdul Haji.

and promote the planting of trees on all public land in each county.

If the Bill is passed into law, County Governments will be required to promote the planting of trees in all public land vested in the county government and ensure that all trees that are felled for the implementation of any county project are relocated to an area designated by the Service.

The Service will also be required to formulate and implement plans for

sourcing of tree seeds and seedlings that are suitable for the environment and climatic conditions in various parts of the Country, establish at least one nursery in each county for trees suitable for the environment and climatic conditions of the respective counties.

Senator Haji is also proposing to amend Section 40 of the Forest Conservation and Management Act to make it criminal to harvest or cut trees without replacement.

A person who fells a tree for a reason other than its harvesting will be required to replace the tree under the direction and in an area designated by KFS, failure to which the person would have committed a crime and will be liable on conviction, to a fine not exceeding Sh5 million or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

Section 55 of the Act mandates the Cabinet Secretary to plan and execute programmes necessary for observing the national tree planting week and the International Day of Forests.

The Senator is amending the Section so that besides the national tree planting week, the Cabinet Secretary and the county executive committee member responsible for matters relating to forestry in each county shall plan and execute programmes necessary for observing the national tree-planting week and the International Day of Forests.

The Programmes planned and executed will include mobilisation of public and private learning institutions, public officers in both levels of government and private entities to plant trees.

The Senator also proposes to amend Section 8 of the Climate Change Act which requires the Cabinet Secretary to provide technical assistance on climate change actions and responses to county governments, based on mutual agreement and needs cited by the county governments.

He has included an additional proposal in which the Cabinet Secretary shall be required to set and formulate strategies for achieving annual carbon sequestration targets for the country.



# House supports Bill to make energy agreements public

Senators have supported a proposal to have energy purchase agreements aligned to the principles of public finance management under Article 201 of the Constitution on matters of openness, accountability, public participation and good governance in prudent and responsible management of public resources.

The Energy (Amendment) Bill, 2024, has introduced the principles as a direct result of the feedback that the Committee on Energy got during the sittings to inquire on the cause of high electricity bills and concerns from the public that something needs to be done on the issue.

“There is a clear manifestation of opaqueness in how people determine whether we need to enter into fresh Power Purchase Agreements (PPAs). We have introduced a requirement that prior to procurement of electrical power, there has to be a feasibility study conducted to identify whether there is enough demand for electricity purchase that cannot be met by the existing production,” said Senator Edwin Sifuna when moving debate on the Bill.

Within the energy sector, PPAs have



*Senator Edwin Sifuna, moved the debate on the Bill.*

stood out as a sore thumb as they lack openness in how the people who hold them ended up as suppliers to Kenya Power. The public is seldom informed and there is no information at all on when they are being procured and on what terms.

The Bill is sponsored by the Committee, a product of public inquiry that included meetings with various stakeholders. The then Cabinet Secretary for Energy and Petroleum, Mr Davis Chirchir; stakeholders from Kenya Power and Lighting Company (KPLC);



*Senator Godfrey Osotsi.*

Kenya Electricity Transmission Company Limited (KETRACO) Independent Power Producers (IPPs) and others.

The Bill proposes to amend Section 134 of the Energy Act so that the process of procurement of electrical energy complies with the procedures set out in the Public Procurement and Disposals Act.

Senator Godfrey Osotsi supported the Bill pointing out that the secretive and energy purchase agreements between the Kenyan Government and some IPPs have contributed to the high cost of power. “This Bill will help us unlock the

problem that has existed in this country for many years. It will ensure that the so-called IPPs who engage in power purchase agreements are known,” he said, adding that, if enacted, Kenyans will know the companies and the faces behind them, their interests and contents of the agreements.

“It is not right for a government institution to enter into agreements with individuals or private institutions without the knowledge of the people of Kenya.”

In his contribution, Senator Samson Cherarkey said one of the biggest challenges in the cost of electricity in this country has been the buy-in by the Independent Power Producers (IPPs) that sell electricity expensively to Kenya Power (KP).

Senator Eddy Oketch said KP has signed over 45 power purchase agreements yet the information the public has regarding the details of the agreements is completely scanty. “You cannot have power purchase agreements without detailing the cost structure and the resulting power price, as they should be. This is at the core of what this Bill seeks to address,” he said.

# State to use mobile money to pay vulnerable groups, CS Mutua

The National government is planning to roll out programme that will ensure that social safety net funds to vulnerable groups are paid through the mobile money transfer.

The Cabinet Secretary for Labour and Social Protection Alfred Mutua also warned Kenyans to be careful about recruitment agencies that demand money to take people to work overseas.

“We want to roll out a programme so that all the money will be transferred to the phones or designated MPesa or other accounts directly of the recipients. They will not have to leave the comfort of their homes, spend their money, and wait for a whole day to receive the money,” the CS said during question time on Wednesday.

The Programme will take effect from December 1, 2024.

The CS had appeared in the House to respond to Question from Senator Agnes Muthama who wanted to know whether the government should consider collaborating with a consortium of the 7th August, 1998 victims to identify and enroll surviving Kenyan victims of the 1998 bomb blast into the Social Assistance Programme currently being implemented by the Ministry.

The State Department for Social Protection and Senior Citizens Affairs implements three social assistance programmes.



*Labour Cabinet Secretary Alfred Mutua speaks from the floor of the House*

The Inua Jamii Programme targets older citizens aged over 70 years, poor households taking care of persons with severe disability, and orphans and vulnerable children.

There is an older person's cash transfer. One must be above 70 years old and have a Kenyan national ID to qualify for the older person's cash transfer, and should have a caregiver with a valid Kenyan national identification card and must not be in any Government pension to avoid double paying.

There is orphan and vulnerable children cash transfer programmes. This targets any Kenyan household with any one or more of the older persons or children, orphans and vulnerable children aged between 0 and 17 years who are permanent members.

Senator Jackson Mandago wanted to know why the Ministry is using banks, M-Pesa and other forms of payment and not the Postal Corporation, a Government entity that is mandated under the law to handle digital payments for the

Government.

CS Mutua said the Ministry has carried tender processes whereby banks were on-boarded to transfer the monies and the contracts are coming to an end.

“The Postal Corporation is welcome to participate in the next round, even as we move into a digital forum using the technological companies rather than just the banks,” he told the House.

In response to a question from Senator Cherarkey, the CS promised to work with recruitment agencies to ensure that Kenyans are not conned off their hard-earned money.

“If possible, they should not charge a Kenyan any processing fee. They should absorb that as part of their cost, so that Kenyans are not defrauded by being told to pay a certain amount of money before they are taken overseas.”

The Senator had wanted the CS to submit a list of recruitment agencies cleared to operate by National Employment Authority and steps used to ensure that all companies registered under the National Employment Authority Integrated Management System (NEAMIS) are monitored and regulated.

The list of recruitment agencies is found in our [neamis.go.ke](http://neamis.go.ke).



# Ministry monitoring and mapping infrastructure in real time, CS Chirchir tells House



*Roads Cabinet Secretary Davis Chirchir during Questions Time on Wednesday last week.*

The Ministry of Roads and Transport is undertaking real-time monitoring and mapping of infrastructure affected by heavy rains during the period April-May 24, as well as the El Nino rains of October-December 2023.

Cabinet Davis Chirchir told the House that the initiative aims to facilitate timely repair and reconstruction efforts adding that the required mitigation measures vary depending on the structure and the type of road pavement.

"We are currently reviewing road design manuals to incorporate flood mitigation design principles and ensuring more resilient infrastructure capable of withstanding climate change challenges. The securing of waterways is ongoing to support this initiative," said the CS on Wednesday.

The CS was responding to a question from Senator Tom Ojienda who wanted to know whether the Ministry is undertaking real-time mapping of all roads, bridges and other transport infrastructure affected by the April/May 2024.

The Senator also wanted the Cabinet Secretary to provide a list of all affected transport infrastructure across the coun-

try, the flood mitigation measures required to bring each affected infrastructure to a state where it can withstand the rains and floods currently being witnessed in the country, and the budgetary implications for such improvements.

"The required mitigation measures vary depending on the structure and the type of road pavement. Road structures such as bridges and culverts are designed to handle abnormal flows over specific return periods without incurring damage," said the CS.

He told the House that the construction of Kenol-Sagana-Marwa Road is still ongoing in some sections and the final road marking will be done once the works are completed.

Senator Joe Nyutu had demanded to know why there are no proper markings and signage on the Road near social amenities such as schools, challenging the CS to explain when such markings

will be drawn and signage put up.

He also wanted to know when the footbridge at Kenol Town will be completed and clarify whether there are plans to construct a footbridge near Komorori Primary School, to serve 1,700 pupils and teachers of the school, who currently have to walk for approximately a kilometre to cross the road.

"As soon as we sign off with the contractor, we should quickly finalise the marking. This is a safety issue," the CS told the House, adding that the Government will pay attention to it.

"Final road markings are in place for the following completed sections; Lot 1 is 48 kilometres for the entire road. Lot 2, which is a 17-kilometre section, has been taken over and, therefore, they are marking those areas."

## MOTIONS

# House wants probe on road rehabilitations



*Senator Raphael Chimera speaks at a past function.*



*Seneta Tom Ojienda*

Senator Tom Ojienda wants the Committee on Finance and Budget to probe the utilisation of cess levied on sugarcane farmers. He wants the probe to focus on the construction and rehabilitation of roads in the sugar belt zones within Kisumu County.

The Senator wants the Committee to explain the legal framework governing the collection and utilisation of cess and provide a year-by-year breakdown of the total amount of funds collected by the county government from cess levied on sugarcane from 2013/14 financial year to the current financial year.

This should indicate the specific amounts paid by each company and submission of a list of all projects for the construction and or rehabilitation of roads in the sugar belt zones undertaken

during the same period that were fully funded by cess collection.

He further wants the Senate to be furnished with the audit reports on the management and application of the cess levied on sugarcane by the county government.

Senator Raphael Chimera is seeking a Statement on the proposed installation of toll stations along Dongo-Kundu bypass highway. The lawmaker wants the Committee on Roads, Transportation and Housing to investigate the matter, warning that the plan has raised significant public concern.

The highway links Mombasa Mainland West with Mombasa Mainland South without getting into Mombasa Island. Senator Chimera says the State-

ment should detail the extent of public participation undertaken in coming up with the proposed tolling policy, listing the involved stakeholders and debts during which this was done.

"The statement should clarify how the tolling policy will ensure equitable access to infrastructure for all citizens regardless of the economic status and state measures in place to minimise disparities in access to essential services and opportunities," says the Senator when he made the request for the Statement.

He wants the Committee to assess the economic impact that tolling the Highway will have on local communities, giving an analysis of how increased transportation costs may affect small businesses, commuters, the overall eco-

nomie growth and competitiveness of products transported along the region.

The Senator further wants the Committee to outline alternative funding mechanisms that have been considered for maintaining and expanding infrastructure, such as budget reallocations, international grants and public partnerships in addition to providing an assessment of potential efficiency improvements by the Kenya National Highways Authority (KeNHA) to optimise existing resources.

Besides, the Senator also sought Statement on Talanta Hela Project and leadership dynamics within national sports organisations. He wants the Committee on Labour and Social Welfare to provide a report on the project, including its progress, impact on the development of young talent in Kenya and the challenges it faces.

To be included in the statement is the criteria for appointing leaders in national sports organisations, assessing whether the criteria meets the needs and aspirations of athletes in the country.

"The statement should explain how the Government plans to advance the objectives of the Talanta Hela Project, integrate these objectives with the reforms in sports leadership and address issues related to administration and resource allocation within the project," he said.



# Wakuu wa shule wamulikwa kwa kuwatoza wazazi fedha kinyume cha sheria



Seneta Tom Ojienda (kulia) akiwa pamoja na Seneta Eddy Oketch.

Seneta Okiya Omtatah amewasilisha ombi akitaka taarifa kutoka kwa Kamati ya Elimu kuhusu kile alichokitaja kuwa utapeli dhidi wa wazazi kupitia kwa malipo yasiokuwa halali ya ada za masomo ya ziada.

Seneta Omtatah anaitaka Kamati hiyo kueleza sera ambayo Wizara ya Elimu inaitumia kuwaruhusu wakuu wa shule na Bodi za Usimamizi kudai ada za masomo ya ziada kutoka kwa wazazi kando na kufafanua kwa nini ada za masomo ya ziada zinalazimishwa kwa wazazi wote wakiwemo wale ambao watoto wao wanafanya vizuri, ikizingatiwa kwamba elimu ya ziada kwa kawaida inakusudiwa kwa wanafunzi wanaohitaji usaidizi wa ziada ili kufikia viwango vya masomo vinavyohitajika.

Seneta huyo aidha anaitaka Kamati ya Elimu kubaini sababu za malipo kwa ajili ya masomo ya ziada mara nyingi kupitia kupitia kwa njia ya M-Pesa, pesa taslimu au akaunti za binafsi za walimu, badala ya kuwekwa kwenye akaunti rasmi za benki za shule.

Kamati hiyo aidha inahitajika kufafanua vigezo vya kubainisha kiasi cha ada za masomo ya ziada kinachopaswa kutozwa na jinsi pesa hizo zinavyotumika, ikizingatia kuwa katika Shule ya Upili ya St. Thomas Aquinas jijini Nairobi, wazazi hutozwa shilingi 5,000 kwenye muhula huku shule ikikusanya takriban shilingi milioni 5 kila muhula.

Kadhalika Kiongozi huyo anaitaka Kamati hiyo inayoongozwa na Seneta Joe Nyutu kueleza kigezo cha kuwepo



Seneta Okiya Omtatah

kwa elimu ya ziada kwa sasa ikizingatiwa kuwa miaka ya nyuma walimu waliweza kukamilisha silabasi bila kutoza ada za ziada kwa huduma hizo.

Kwingineko Seneta Tom Ojienda ameitaka Kamati hiyo ya Elimu kutoa taarifa kuhusu usalama wa wanafunzi shuleni kote nchini Kenya.

Seneta Ojienda alitumia fursa hiyo kuwasilisha ujumbe wa makiwa kwa familia zilizowapoteza watoto kutokana na milipuko ya moto katika shule mbalimbali hivi maajuzi huku akiwatakiwa afueni ya hima watoto waliojeruhiwa wakati wa matukio hayo.

Kwenye ombi la Kauli, Seneta Ojienda anaitaka Kamati ya Elimu kueleza sababu za migomo ya wanafunzi na kuongezeka kwa visa vya moto katika

shule ambavyo vimeripotiwa kote nchini kando na kuweka wazi sera ya Wizara ya Elimu kuhusu usalama wa wanafunzi shuleni ikifichua hatua zozote za kuimarisha usalama wa wanafunzi walio kwenye shule za bwani.

Seneta huyo anaitaka Kamati hiyo kufafanua mikakati yoyote ya dharura iliopo ya kushughulikia milipuko ya moto na majanga mengine shuleni ikikariri hatua za kutunga sera ya majanga iliyowianishwa na sera ya dharura, ikiwa ni pamoja na mazoezi ya dharura ya lazima katika shule zote.

Kiongozi huyo aidha anaitaka Kamati kuifahamisha Seneti hatua ambazo zimewekwa na serikali kuhakikisha uwajibikaji na fidia kwa familia na waathiriwa waliojeruhiwa au kuaga dunia kutokana na milipuko ya moto shuleni na majanga mengine mbali na kuweka wazi hatua zozote za kuwalinda wanafunzi katika shule za bwani dhidi ya tishio la biashara haramu ya ulanguzi wa binadamu.

Vilevile Kamati hiyo inahitajika kufichua mgao wa bajeti uliotengwa kushughulikia usalama wa wanafunzi dhidi ya moto na majanga mengine katika shule za umma kuanzia Mwaka wa Fedha wa 2020/2021 hadi sasa.

## Seneta Mandago ataka ufafanuzi kuhusu usimamizi wa kampuni ya New KCC

Kamati ya Biashara, Viwanda na Utalii imetakiwa kufanya kuchunguzi na kuwasilisha taarifa kuhusu usimamizi na uendeshaji wa shughuli kwenye Kampuni ya maziwa ya New KCC.

Akiwasilisha ombi hilo, Seneta Jackson Mandago ameitaka Kamati hiyo kuwasilisha ripoti kuhusu hatai za kuirejesha Kampuni ya New KCC kwa wakulima kama inavyotarajiwa katika mpango wa ufufuaji wa 2003 ikikariri iwapo kampuni hiyo ni miongoni mwa mashirika yaliyoratibiwa kubinafsishwa.

Seneta Mandago anaitaka Kamati hiyo kuweka wazi sababu zilizosababisha kufungwa kwa kiwanda cha kusindika maziwa jijini Eldoret na hatima ya wafanyakazi katika kiwanda hicho wakiwemo wafanyakazi vibarua ambao wamepewa notisi ya kusimamishwa kazi katika muda wa mwezi mmoja.

Aidha Seneta huyo anaitaka Kama-



Seneta Jackson Mandago

ti kuangazia sababu za wafanyakazi wa mauzo kwenye bohari jijini Eldoret, mjini Nanyuki, jijini Mombasa, jijini Kisumu, miji ya Narok na Sotik wameondolewa hadi jijini Nairobi ikieleza

ni kwa nini wafanyakazi wote kwenye makao makuu wamepelekwa katika kiwanda cha Dandora na mpango uliopo wa makao makuu yaliyoachwa kando na kueleza sababu za kutowasilishwa kwa ada ambazo wafanyakazi wanatozwa kama inavyohitajika kisheria.

Kamati hiyo inayoongozwa na Seneta Seki Lenku inatakiwa pia kuwasilisha ripoti ya kina ya kifedha inayoonesha madeni yoyote ambayo kampuni ya New KCC inadaiwa na wakulima na wasambazaji ikifafanua ni kwa nini madeni hayo yameendelea kuongezeka licha ya serikali kuingilia kati mara kadhaa na kutoa hela kwa kampuni hiyo.

“Wasilisha ripoti ya ukaguzi wa kina wa kitaalamu wa mali inayomilikiwa na kampuni ya New KCC mkionesha wazi hali ya usajili na thamani ya mali hiyo,” alikariri Seneta Mandago.

Huku hayo yakijiri Seneta Eddy Oketch ameitaka Kamati ya Afya ku-

wasilisha taarifa kuhusu kilio cha Wahamasishaji wa Afya ya Jamii na Wahudumu wa Kujitolea wa Afya ya Jamii hapo awali katika Kaunti ya Migori.

Seneta Oketch anaitaka Kamati hiyo kuweka wazi idadi jumla ya wahudumu hao kwenye Kaunti ya Migori na namna wamesambazwa katika kaunti ndogo.

Anaitaka pia kufafanua kuhusu jumla ya pesa ambazo Kaunti ya Migori inadaiwa kama malimbikizi ya malipo kwa wahudumu hao ikibainisha wakati ambapo Kaunti imepanga kuwalipa kando na kuweka wazi idadi ya Wahudumu wa Kujitolea wa Afya ya Jamii walikum-batiwa kuwa Wahamasishaji wa Afya ya Jamii na serikali ya Kaunti.



# Governor Guyo summoned over Isiolo pending bills and Emergency Funds



Senator Tabitha Mutinda, vice chair, Committee on Finance and Budget, Senator Boni Khalwale and Senator Eddy Oketch after the Committee issued summons against Governor Abdi Guyo.



Senator Fatuma Dullo.

The Committee on Finance and Budget has for the second time issued summons against Governor Abdi Guyo over pending bills incurred by Isiolo County for the last 10 years, from the 2013/14 to 2022/23 financial years. Additionally, the committee is seeking clarity on the use of county funds and emergency relief allocations.

The Committee Vice Chair Tabitha Mutinda, made the decision to summon the Governor after he failed to honour two consecutive invites; the first on Au-

gust 8, 2024 and last week. The governor instead sent a letter requesting the postponement of the meeting, the position the committee rejected, describing it as casual.

Governor Guyo is required to provide the committee with a detailed breakdown of Isiolo County's pending bills, along with the total budget allocations for 2022/23 and 2023/24 financial years, outline the expenditures, covering areas such as salaries, infrastructure, social services, administrative costs and other

significant spending by both the Executive and County Assembly.

Senator Fatuma Dullo has specifically demanded an account of funds allocated for emergency relief during the fiscal years 2022/2023 and 2023/2024.

"You cannot respond to a summon with a letter," said Senator Ali Roba, the chair of the Committee, expressing disappointment over the governor's failure to comply with the summon.

Senator Boni Khalwale warned the governor of using excuses of an infor-

mal meeting to avoid a summon from the Senate. Senator Mohamed Faki also criticised the governor for repeatedly failing to respond to summons, emphasizing that the Senate must uphold its constitutional role to ensure proper functioning of devolution.

Governor Guyo has now been instructed to appear before the committee within two weeks

## Senators raise concern over safety in schools

Senator Karen Nyamu has filed a Motion in the House in which she wants the national Government through the Ministry of Education to recruit and deploy dedicated safety officers in both primary and secondary schools nationwide.

The lawmaker says deploying safety officers in schools will significantly reduce risks, enhance preparedness and provide immediate response capabilities during emergencies.

"These trained safety officers will oversee safety protocols, provide first aid, conduct safety drills, ensure fire preparedness, manage emergency evacuation and assist in addressing violence or other threats within school environment," said the Senator in notice for the motion to the House.

She notes that there have been increased incidents of insecurity, violence, accidents and other safety challenges in both primary schools and secondary schools across the country.



Senator Agnes Muthama

She wants the Ministry to implement comprehensive training in safety protocols, first aid, emergency response and violence management and provide necessary resources to support schools, particularly in rural and marginalised areas, to effectively deploy and utilise these safety officers.

Similar concerns were expressed by Senator Tom Ojienda who, in a request for a Statement, wants the Committee on Education to explain the safety of pupils



Senator Karen Nyamu

and students in schools around the country.

While condoling with the families that lost their children in recent school fires, the Senator wants the Committee to explain the root causes of student unrest and the increasing number of fires in schools that have been reported across the country.

The Committee should outline the policy of the Ministry of Education on the safety of pupils and students in

schools and disclose measures taken to enhance the safety of those in boarding schools. "The Committee should explain any existing emergency protocols for handling fire outbreaks and other disasters in schools and state steps to enact a harmonised disaster preparedness and emergency policy, including mandatory emergency drills in all schools.

He also wants the Committee to state measures in place to ensure accountability and compensation to families of victims injured or succumbing to school fires and other disasters.

Senator Agnes Kavindu supported the Statement and challenged the Committee, which is chaired by Senator Joe Nyutu, to put the Government to task because even students must be given security. "Even if it means policemen being employed and deployed to schools for the security of the children; it is important because they are helpless, they cannot protect themselves."



# Push for Hospitality industry specific law

Professionals working in the hospitality industry want the Senate to enact a law that will establish a separate regulatory body that will allow for better representation and engagement of the various stakeholders in the industry ensuring that the specific needs and concerns are addressed effectively.

The professionals complain that the industry is characterised by conflict of interest arising due to combining the regulation of tourism and hospitality under the same authority.

In a petition to the Senate, the professionals, through Mr Charles Ochola Osango, have proposed the enactment of the Hospitality Professionals Bill, 2023, noting that other professions are regulated through statutes to ensure effective discharge of their mandates.

The profession is primarily regulated by the Kenya Tourism Board (KTB), which oversees the tourism and hospitality sectors. Additionally, the Tourism Regulatory Authority (TRA) is responsible for licensing and regulating tourism and hospitality businesses to ensure compliance with industry standards and regulations.

“While the tourism sector and the hospitality profession are closely related,



Senator Seki Lenku ole Kanar (right) the Chairman of the Committee on Trade, Industrialisation and Tourism and Senator Steven Lelegwe. The Committee will consider the Petition.

each has distinct functions and activities and cannot be regulated by the Tourism industry,” the petition says, noting that the proposed Bill seeks to address several issues regarding licensing, training and education; the establishment of a professional regulatory body, enforcing of industry standards and enhancing consumer protection.

They argue that the hospitality profession has specialised expertise which may not be found solely in the Tourism Regulatory Authority and that the Bill, if enacted, will help to safeguard the rights and interests of consumers, promote the

industry growth and competitiveness and establish clear standards and regulations which will foster an environment that is conducive for industry growth, innovation and competitiveness.

They also propose for the establishment of an institute which will be equipped with the necessary powers and resources to enforce compliance with regulatory requirements, a regulatory body which will oversee the activities of the sector, monitor compliance and enforce industry standards and also establish a Regulatory Framework which will set standards for quality, hygiene, safety

and service in the industry that should be enforced through a robust inspection and certification system.

“It will also provide training and development in hospitality necessary for continuous learning and growth.”

Speaker Amason Kingi referred the Petition to the Committee on Trade, Industrialisation and Tourism for consideration.

The Committee is required to table its report on the findings in the House within 60 days for debate.

## This Week in History



“It is serious because evictions are taking place everywhere in this country without due process to the law. I believe the law is very clear in that whenever there is an eviction or whenever acquisition of land is supposed to happen, communities must be involved. This time round when devolution is in place, the county government should be involved when there is an eviction that is taking place or compulsory acquisition of land. Unfortunately, the various institutions of government are allocating land to individuals or institutions of Government without involving communities who are living there.”

Senator Fatuma Dullo contributing to debate on the Petition on the resettlement of East Mau evictees on September 26, 2019.



“The question of squatters and particularly the possibility that we still use the word “squatters” in relation to any citizen of this country is a great shame. Just the same way we confidently talk about people whom we call “slum dwellers”, it is an insult on the integrity of the people of Kenya. It is the responsibility of the State to ensure that its citizens are settled or re-settled to ensure that people can live with dignity in this country, which is a constitutional right.”

Senator Kipchumba Murkomen contributing to debate on the Petition on the resettlement of East Mau evictees on September 26, 2019.



“The worst part of it is on that side of Mau, where even during our campaigns, all of us, including the President, went to those places. We then assured those people that they are rightfully there. They now wonder what happened. They have been telling us: “So you are lying, come and tell us that you were cheating us so that we see what next.” Those are the places where the Government constructed schools and issued title deeds.”

Senator (Dr) Christopher Langat contributing to debate on the Petition on the resettlement of East Mau evictees on September 26, 2019.



“One ground for eviction is that, that land be set aside for the Government to push for the four agendas, among others, housing development. The question then is: Is it the policy of the Government to destroy multibillion houses to pave way for another house? As the Senator from that area, I read a lot of mischief. It is in the public domain, which we shall prove to the State, that, that land will be grabbed by some people from Nairobi.”

Senator (Dr) Bonface Kabaka contributing to debate on the Petition on the resettlement of East Mau evictees on September 26, 2019.





1. Labour Cabinet Secretary Alfred Mutua is welcomed to Parliament Buildings by Senate staff when he appeared to respond to Members' concerns during last week's Questions Time.
2. Roads Cabinet Secretary Davis Chirchir leaves the Senate Chamber after responding to Members' Questions accompanied by Senator Allan Chesang.
3. Senator Karung'o Thangwa (left), Senator Catherine Mumma (centre) and Senator Peris Tobiko engage Roads Cabinet Secretary Davis Chirchir in Parliament Buildings.
4. Deputy Speaker Kathuri Murungi (right) and Senator Jackson Mandago with Roads Cabinet Secretary Davis Chirchir in Parliament Buildings.
5. Senator Dan Maanzo (left), Senator Gloria Orwoba and Senator Jackson Mandago see off Roads Cabinet Secretary Davis Chirchir at the end of last week's Question Time.





6. The Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly jointly conducted confirmation hearing of Mr David Kibet Kemei who has been nominated as the next Director General of the Competition Authority of Kenya. Mr Kemei takes oath before fielding questions from Members of the joint committee.
7. The Joint session of the Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly during the vetting of Mr David Kibet Kemei for the position of Director General, Competition Authority of Kenya.
8. Senator Samson Cherarkey, Senator Richard Onyonka and Minority Whip Ledama ole Kina make a point when Roads and Transport Cabinet Secretary Davis Chirchir appeared before the Committee on Transport and Housing to shed light on the concession agreement between the Kenya Airports Authority (KAA) and M/s Adani Airport Holdings Limited.
9. Governor Joshua Irungu of Laikipia County and his team answers questions related to the expenditure on special funds when they appeared before the County Investments and Special Funds Committee.
10. Roads and Transport Cabinet Secretary takes oath when he appeared before the Committee on Roads, Transportation and Housing to discuss claims of concession for the Jomo Kenyatta International Airport.
11. Clerk Assistants from the Baringo County Assembly who are on training at the Centre for Parliamentary Studies and Training (CPST) during their tour of the Senate.
12. Dr Johnson Okello, the Director of Legal Services at the Senate led his team for meeting with the leadership of students of the Kenya School of Law (KSL) in which they discussed academics, greater interlinkages between Parliament and the Kenya School of Law, governance and capacity building for students at the institution.





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